

REMARKS

Claims 32-36, 38-39, 41-53 and 55-70 are pending in this application. By this Amendment, claims 32, 35, 36, 41, 50, 55 and 65 are amended. Claims 40 and 54 are canceled. No new matter is added.

Applicant appreciates the courtesies shown to Applicant's representatives by Examiner Chang in the June 2, 2008 telephone interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

The Amendment filed on October 30, 2007 was objected to under 35 U.S.C. §132(a) and claim 35 was rejected under 35 U.S.C. §112, first paragraph, for "second optically variable effect generating structure generates diffuse defraction." The specification states "OVM1 could be provided by origination technologies that generate diffuse defraction (as for OVM2 in the embodiment above)" (emphasis added) (page 12, lines 33-35) where OVM is an optical variable microstructure (see page 4, lines 8 and 9). Applicant respectfully submits that the specification explicitly teaches "second optically variable effect generating structure generates diffuse defraction." It is respectfully requested that the objection and rejection be withdrawn.

Claims 32-36 and 38-70 were objected to for informalities.

Claims 32, 35, 36, 50 and 65 were amended as discussed in the June 2, 2008 telephone interview to overcome the objections to informalities (1) - (3) and (6).

Regarding informalities (4) and (5), claim 40 was objected to as being confusing for using "originated by different processes." The elements of claim 40 were incorporated into independent claims 32 and 50 and the objection is addressed with respect to amended claims 32 and 50. Applicant respectfully submits that one of ordinary skill in the art would understand "originated by different processes." One of ordinary skill in the art would clearly

understand the term "originated by different processes" upon reading page 4, lines 5-12 of the specification.

Further, originated is not indefinite for using process language in a product claim. "The structure implied by the process steps should be considered when assessing the patentability of product-by-process claims over the prior art, especially where the product can only be defined by the process steps by which the product is made, or where the manufacturing process steps would be expected to impart distinctive structural characteristics to the final product." MPEP 2113.

Claim 55 was also objected to for use of the term "origination." Applicant respectfully submits that claim 55 is acceptable for the reasons cited with respect to independent claims 32 and 50 above.

It is respectfully requested that the objections be withdrawn.

Claims 32, 33, 36, 38-40, 42-44, 46-54, 56-59, 61 and 63-70 were rejected under 35 U.S.C. §103(a) over Mallik (U.S. Patent No. 5,128,779). The rejection is respectfully traversed.

Claim 32, and similarly in claim 50, calls for the second optically variable effect generating structure being viewable through the first. Mallik discloses a multiple hologram structure in which the holograms are recorded side by side (col. 9, lines 49-51).

Mallik, on col. 2, lines 40-50, describes visual information behind a hologram on a surface to which the hologram is attached and the information is viewed through the non-reflective areas of the hologram. This is not an optically variable effect generating structure but is printed information on the article to which the hologram is secured.

Further, claims 32 and 50 call for the replay characteristics of the structures generate a visually integrated image. Mallik requires a "hologram structure from which two or more images, one for each separate hologram recorded on it, can be viewed, one at a time, by

properly orienting the hologram with respect to the viewer." (col 9, lines 46-49, emphasis added).

Additionally, claims 32 and 50 call for generating structures have been originated by different processes. Mallik describes replication processes, not origination processes. (col. 11, lines 43-53).

Therefore, it is respectfully submitted that claims 32 and 50 are patentable over Mallik. Further, it is respectfully submitted that claims 33, 36, 38-39, 42-44, 46-49, 51-53 and 56-59, 61 and 63-70 are patentable in least in view of the patentability of the independent claims from which they depend, as well as for the additional features they recite.

Accordingly, it is respectfully requested that the rejection be withdrawn.

Claims 34 and 35 were rejected under 35 U.S.C. §103(a) over Mallik in view of Cueli (U.S. Patent No. 5,513,019). The rejection is respectfully traversed.

As discussed above, Mallik fails to disclose or suggest all of the claimed features of independent claim 32, and Cueli fails to overcome the deficiencies of Mallik. It is respectfully requested that the rejection be withdrawn.

Claims 41, 45 and 55 were rejected under 35 U.S.C. §103(a) over Mallik in view of Staub (U.S. Patent No. 5,886,798). The rejection is respectfully traversed.

As discussed above, Mallik fails to disclose or suggest all of the claimed features of independent claims 32 and 50, and Staub fails to overcome the deficiencies of Mallik. It is respectfully requested that the rejection be withdrawn.

Claims 60 and 62 were rejected under 35 U.S.C. §103(a) over Mallik in view of Kaule et al. (U.S. Patent No. 6,294,241). The rejection is respectfully traversed.

As discussed above, Mallik fails to disclose or suggest all of the claimed features of independent claim 50, and Kaule fails to overcome the deficiencies of Mallik. It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Petition for Extension of Time
Request for Continued Examination

Date: June 4, 2008

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